

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48572 of 2015

Arising Out of PS.Case No. -110 Year- 2006 Thana -JHAJHA District- JAMUI

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Gopal Yadav S/o Late Bishun Yadav resident of village - Kainmankathi,
P.S. Jhajha, Distt. - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Dr. Kr.Uday Pratap (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 25-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Jhajha P.S.
Case No. 110 of 2006 registered for the offences punishable under
Sections 376, 323, 504, 380 of the Indian Penal Code.

On the basis of complaint petition this case has been
lodged with allegation that the petitioner after entering into the
house of the informant committed rape with her and also took
away steel box containing ornaments, cash and clothes.

Submission is of false implication and that police after
completing investigation submitted final form after finding the
case not true but cognizance has been taken and the petitioner was
not aware regarding the case as no summon was ever served

against the petitioner but without any service report he has been declared absconder resulting, he is in custody since 26.08.2015 and, as such, now he deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that the petitioner was declared absconder on 19.07.2011.

In the facts and circumstances stated above, considering that police after completing investigation did not find the case true and submitted final form and further on the record there is no service report and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Adhoc A.D.J., IVth Jamui arising out of Jhajha P.S. Case No. 110 of 2006 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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